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Attorneys for Defendant X Corp.,
as Successor in Interest to Named
Defendant Twitter, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

OMAR ABDULAZIZ,

Plaintiff,

v.

TWITTER, INC.; McKINSEY & CO.,

Defendants.

Case No. 3:19-cv-06694-LB

**DECLARATION OF BENJAMIN
BERKOWITZ IN SUPPORT OF
DEFENDANT'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED**

Judge: Hon. Laurel Beeler

Date Filed: October 18, 2019

ALI AL-AHMED,

Plaintiff,

v.

TWITTER, INC.; ALI HAMAD A
ALZABARAH; and AHMAD ABOUAMMO,

Defendants.

Case No. 3:21-cv-08017-EMC
(*case to which relation is requested*)

Judge: Hon. Edward M. Chen

Date Filed: October 13, 2021

Trial Date: None Set

AREEJ AL-SADHAN, and
ABDULRAHMAN AL-SADHAN, an
Incompetent, by his Sister and Next Friend
AREEJ AL-SADHAN,

Plaintiff,

v.

TWITTER, INC., KINGDOM OF SAUDI
ARABIA, SAUD AL-QAHTANI, AHMAD
ABOUAMMO, ALI ALZABARAH,
AHMED ALMUTAIRI a/k/a AHMED
ALJBREEN, BADER AL-ASAKER, SAUDI
ARABIAN CULTURAL MISSION, and
JOHN DOES 1-10,

Defendants.

Case No. 4:23-cv-02369-HSG
(*case to be considered for relation*)

Judge: Hon. Haywood S. Gilliam, Jr.

Date Filed: May 16, 2023

Trial Date: None Set

1 I, Ben Berkowitz, declare as follows:

2 1. I am licensed to practice in the State of California and before this Court. I am a
3 partner at the law firm of Kecker, Van Nest & Peters LLP, counsel of record for Defendant X
4 Corp., as successor in interest to named Defendant Twitter, Inc. (“Twitter”) in this matter. I
5 submit this declaration in support of Twitter’s Administrative Motion to Consider Whether Cases
6 Should Be Related (the “Motion”). I have knowledge of the facts set forth herein, and if called
7 upon as a witness, I could testify to them competently under oath.

8 2. On June 26, 2023, counsel for Twitter contacted counsel for Plaintiffs Areej Al-
9 Sadhan and Abdulrahman Al-Sadhan to ask whether they would stipulate to relate *Al-Sadhan, et*
10 *al. v. Twitter, Inc., et al.*, Case No. 4:23-cv-02369-HSG to *Al-Ahmed v. Twitter, Inc., et al.*, Case
11 No. 3:21-cv-08017-EMC.¹ On July 5, 2023, counsel for Plaintiffs declined to so stipulate but
12 stated that “[w]e take no position regarding whether [the *Al-Sadhan* action] relates to the *Al-*
13 *Ahmed* action.” Counsel for Plaintiffs further requested that “if [Twitter] move[s] to relate the
14 cases, please indicate that Plaintiff takes no position and leaves the decision to the Court.”

15 3. No attorney has yet entered an appearance in the *Al-Sadhan* action for Defendants
16 Kingdom of Saudi Arabia, Saud Al-Qahtani, Ahmad Abouammo, Ali Alzabarah, Ahmed
17 Almutairi a/k/a Ahmed Aljbreen, Bader Al-Asaker, or Saudi Arabian Cultural Mission, and
18 counsel for Twitter have thus not contacted such counsel.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct, and that this declaration was executed on July 5, 2023, in San
21 Francisco, California.

22
23 /s/ Benjamin Berkowitz
24 BENJAMIN BERKOWITZ

25
26
27 ¹ Counsel for Twitter did not additionally contact counsel for Ali Al-Ahmed, plaintiff in the *Al-*
28 *Ahmed* action, given that the *Al-Ahmed* action has been dismissed with prejudice and is now
closed. See *Al-Ahmed*, ECF No. 75 (entering judgment in favor of Twitter and directing Clerk to
“close the file in this matter”).